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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,396

08/21/2003

Larry A. Zimmerman

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02/25/2005

IP LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON, FL 33486

EXAMINER

WALK, SAMUEL J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,396

Applicant(s)

ZIMMERMAN ET AL.

Examiner

Samuel J Walk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/21/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-5, 9, 20, 24-25 and 28-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In reference to Claims 4-5, 9, 24-25 and 28-29, the limitation "escutcheon" is unclear and confusing in nature. The American Heritage College Dictionary has defined escutcheon to mean "a shield" or "an ornamental protective plate." Examiner suggests amending "escutcheon" to read "transparent cover" or "lens." In addition, the limitation "dimple" is defined as a concave structure; however, Applicant's Drawings portray a convex structure. Examiner suggests amending "dimple" to read "convex lens".

4. In reference to Claim 20, the limitation "coded component" is unclear and confusing in nature because it is unknown what "component" is being coded and it is unknown what is meant by "coded." Applicant's Specification and prior claims (Cl. 17)

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refer only to pulse, binary and color coding the lamp indication means. Examiner will interpret the Claim to have the same meaning as Claim 17. Examiner suggests duplicating the language of Claim 17 to overcome this rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 8, 12, 18, 22-23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheffler (6522261, cited in PTO1449).

In reference to Claim 1, Scheffler discloses a selectable candela strobe unit wherein claimed strobe bulb met by radiant energy source (20), see Col. 3 lns 13-14; claimed jumper met by slidable member (36). Scheffler does not disclose that the selection device is a jumper. However, one having ordinary skill in the art at the time the invention was made would have readily recognized that any number of switches, including a

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jumper, DIP switch, etc., could be used because said components are functionally equivalent and readily available. Also, the selection of the type of switch used would rely on the design choice of the manufacturer and/or user.

In reference to Claim 2, claimed list met by visual display member (22), see Col. 3 lns 20-24; claimed viewing slot met by inherent viewing window as the device displays the selected value through a housing while preventing any access to the level setting member (36), see Col. 3 lns 50-57.

In reference to Claim 3, claimed flag portion met by body portion (42), see Col. 4 lns 7-14.

In reference to Claim 8, Scheffler further discloses manually adjustable member (72a) is not accessible, see Col. 6 lns 1-8.

In reference to Claim 10, see above rejections in reference to Claims 1-2.

In reference to Claim 12, see above rejection in reference to Claim 2.

In reference to Claim 18, see above rejection in reference to Claim 8.

In reference to Claim 22, see above rejection in reference to Claim 1.

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In reference to Claim 23, see above rejection in reference to Claim 1. In addition, if the manufacturer and/or user chose the jumper design as the switch, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a pocket for the reception therein.

In reference to Claim 27, see above rejection in reference to Claim 8.

7. Claims 4-5, 13-14, 24-25 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheffler in view of Rinaldi (T103802).

In reference to Claim 4, Scheffler discloses a selectable candela strobe unit wherein the strobe intensity setting is viewable through hole (unlabeled), see Fig. 1. Scheffler further discloses clear transparent lens (14) through which the viewable display (22) is seen. Scheffler does not disclose a "dimple" herein interpreted as convex lens. However, Rinaldi teaches of a magnification lens for date dial in a wristwatch wherein a convex viewing lens is utilized to magnify indicia (10), see Fig. 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Rinaldi into the system of Scheffler because the magnification of the visual display would

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allow inspectors an easier and more convenient means of reading the selected value.

In reference to Claim 5, see above rejection in reference to Claim 4. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to displace the location of the viewing window and magnification lens to allow viewing at an angle because it would provide inspectors of different sizes the ability to view the selected value. In other words, an alarm unit placed on a wall with viewing window on the side would necessitate a means for one of large build to view the value without pressing one's face against the wall, thereby adding ease and convenience to the inspection process.

In reference to Claim 13, see above rejection in reference to Claims 10 and 4.

In reference to Claim 14, see above rejection in reference to Claims 10 and 5.

In reference to Claim 24, see above rejection in reference to Claims 10 and 4.

In reference to Claim 25, see above rejection in reference to Claims 10 and 5.

In reference to Claim 28, see above rejection in reference to Claims 1 and 4.

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In reference to Claim 29, see above rejection in reference to Claims 28 and 5.

8. Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheffler in view of Gilbert (US 4768926).

In reference to Claim 15, Scheffler discloses selectable strobe intensity and indication thereof. It would be advantageous to include audible indication as well for blind inspectors and low-light/dark situations. Scheffler does not disclose audible indication of selected intensity levels. However, Gilbert teaches of a remote control fan wherein differences in tone or a different number of the same tone can be employed to indicate switch selection, see Col. 4 lns 1-14. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings Gilbert into the system of Scheffler so that intensity level settings could be determined in low-light/dark situations or by blind inspectors.

In reference to Claim 30, see above rejection in reference to Claim 15.

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9. Claims 16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheffler in view of Kubota (US 5335153).

In reference to Claim 16, Scheffler discloses selectable strobe intensities and indication thereof. It would be advantageous to include a lamp to visually indicate the selected intensity so that visual inspection could be performed in low-light/dark situations. Scheffler does not disclose a lamp. However, Kubota teaches of a indicator lighting unit wherein a dashboard with various instruments often includes various indicators for making various indications by illumination of lamps, see Col. 1 lns 10-32. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporate the teachings of Kubota into the system of Scheffler because the illumination of indicia is necessary for the display of said indicia in low-light/dark situations.

In reference to Claim 31, see above rejection in reference to Claim 16.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheffler in view of Furtado (US 6281789).

In reference to Claim 21, Scheffler discloses a fire alarm strobe device wherein a selectable candela is displayed. It

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would be advantageous to include means to address the unit over a network because it provides a more intelligent and synchronized system. Scheffler does not disclose that the unit is addressable over a network. However, Furtado teaches of an alarm system having improved control of notification appliances over common power lines wherein the system controller (14) signals an alarm to the appropriate devices through at least one network (16) of addressable alarm notification applications, see Col. 4 lns 9-16. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Furtado into the system of Scheffler because addressing the alarm units over a network provides a more intelligent and synchronized system.

Allowable Subject Matter

11. Claims 6, 7, 9, 11, 17, 19-20 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6, 7, 9, 11 and 26 appear to be novel and inventive because prior art fails to show a pointer indicating the selected intensity level on a second list printed on the circuit board itself. Claims 17 and 20 appear to be novel and inventive

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because prior art fails to show the pulse coding, binary coding or color coding of a lamp used to identify a selected intensity. Claim 19 appears to be novel and inventive over prior art because prior art fails to show that a lighted intensity indication activates upon strobe activation, power application to the device or upon a command.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kodaka (US 6243001) discloses a variable intensity visual signaling system. Hur (US 6411201) discloses a strobe alarm with strobe intensity selector switch. Pattok (US 6556132) discloses a strobe circuit. Ha (US 6833783) discloses a processor-based strobe with feedback. Siemens Building Technologies disclose Engineer and Architect Specifications for the AdaptorTM Stand Along Selectable Strobe.

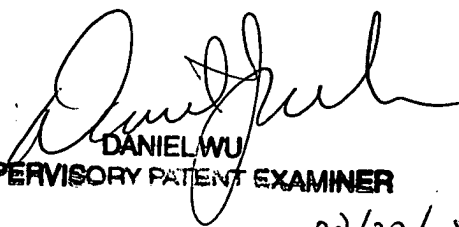
Correspondence

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL WU
SUPERVISORY PATENT EXAMINER
02/22/05